

ORDINANCE NO. 90-48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY FLORIDA, CHAPTER 24 (SIGNS), AS FOLLOWS: INSERTING NEW SECTION 24-27 (REMOVAL OF SIGNS IN VIOLATION OF THIS CHAPTER); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter referred to as "the Act"), is required to prepare and adopt a Comprehensive Plan; and

WHEREAS, after submittal of the Comprehensive Plan, the Act mandates that Palm Beach County adopt land development regulations to implement the Comprehensive Plan within one year; and

WHEREAS, on January 30, 1990, Palm Beach County adopted the amendments to the Land Development Regulations, including Sign Code regulations pursuant to the requirements of Section 163.3161, et. seq., Florida Statutes, which did not include certain enforcement provisions; and

WHEREAS, the Board of County Commissioners of Palm Beach County desire to amend the adopted sign regulations to reinstate amended enforcement provisions to forward the public interest in enforcing the Sign Code and avoiding an environment that encourages visual blight;

WHEREAS, illegal signs erected in public rights-of-way are especially hazardous to public safety, health and welfare and should be removed as soon as reasonably possible;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, THAT:

Part 1. CHAPTER 24 (SIGNS). CHAPTER 24 (SIGNS) IS AMENDED TO INSERT A NEW SECTION 24-27 AS FOLLOWS.

SECTION 24-27 REMOVAL OF SIGNS IN VIOLATION OF THIS CHAPTER

1. Illegal Signs In General.

All signs, banners and other fixtures or structures governed by this Chapter (Signs) shall conform to the regulations herein. A sign not erected, constructed or located in conformance with this Chapter is an illegal sign.

2. Procedures for Notification, Removal and Storage of Illegal Signs.

Except as provided in subsection 3 (Illegal Signs In Rights-of-Way) below, Palm Beach County shall enforce sign regulations according to the procedures outlined in this subsection, or as provided for in the Palm Beach County Code Enforcement Citation Ordinance.

(a) Tagging:

If a sign is erected, constructed or located in violation of this Code, the

County shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this Chapter. The notice shall further specify that the sign will be removed after 10 days have lapsed from the date the tag was placed on the sign, if the specified corrective measures have not been taken.

(b) Removal and Storage:

If corrective measures have not been complied with after 10 days of placement of the tag on the sign, the Department shall remove and store the sign in an appropriate storage facility at the expense of the sign owner or the owner of the property upon which the sign is located. The storage period shall be at least 30 days.

(c) Notice:

Upon removal and storage of the sign, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed and the owners right to appeal.

(d) Return or Destruction:

Any sign which has been removed from private property pursuant to the above provisions, may be claimed by and returned to the property owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon showing of ownership and payment of a sum appropriate to compensate the County for the expenses of locating, tagging, notice, removal, and storage of the sign.

Any sign that remains unclaimed after 30 days from the date of removal shall become the property of the County and may be disposed of in any manner deemed appropriate by the County.

Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid license fees, may also be assessed to the sign owner and the owner of the property upon which the sign is located. No new sign permit application shall be accepted from the owner of the illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.

3. Illegal Signs in Public Rights-of-Way:

Unless explicitly provided for in this Chapter or otherwise by law, no sign shall be located in public rights-of-way. Signs located in public rights-of-way shall be considered illegal, a safety hazard and a trespass upon public property.

Illegal signs in public rights-of-way shall be immediately removed by the County. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by the County. However, if the approximate reasonable value of the sign is greater than three hundred dollars (\$300) and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed and stored, and returned or destroyed in accordance with procedures in Part 1., Section 2 (Procedures for Notification, Removal and Storage of Illegal Signs), above.

4. Use and Removal of Political Campaign Signs:

Use and removal of political campaign signs shall be governed by Section 106.1435, Florida Statutes (Usage and removal of political campaign advertisements), except that the good faith effort to remove all signs shall be made within ten (10) days after the election.

5. Appeal:

The sign owner may appeal the action of Palm Beach County by delivering a written request for an administrative hearing to the Director of Code Enforcement within 30 days from the date of removal of any sign. Said request must identify specific sign in question and state the reason why the sign owner believes the removal of the sign was improper. In the event the County finds the sign to be legal, the fee for locating, tagging, noticing, removal or storage may be waived.

Part 2. CAPTIONS.

The Captions, section headings, and section designations used in this Ordinance are intended for convenience of users only and shall have no effect on the interpretation of the provisions of this Ordinance.

Part 3. REPEAL OF LAWS IN CONFLICT.

All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

Part 4. SEVERABILITY.

Should any section, paragraph, sentence, clause, or word of

1 this Ordinance be held to be unconstitutional, inoperative, or
2 void, such holding shall not effect the validity of the remainder
3 of this Ordinance.

4 Part 5. INCLUSION IN CODE.

5 The provisions of this Ordinance shall become and be made
6 a part of the Code of Laws and Ordinances of Palm Beach County,
7 Florida, and the various sections may be retitled, renumbered, or
8 relettered to accomplish this purpose.

9 Part 6. EFFECTIVE DATE.

10 The provisions of this Ordinance shall become effective
11 upon receipt of acknowledgement by the Department of State of the
12 State of Florida.

13 APPROVED AND ADOPTED by the Board of County
14 Commissioners of Palm Beach County, Florida, on the 4th day
15 of December, 1990.

16 PALM BEACH COUNTY, FLORIDA by its
17 BOARD OF COUNTY COMMISSIONERS

18 By: Kare Maas
19 Chair

20 Attest;
21 John B. Dunkle, clerk

22 By: Vicki Benong
23 Deputy Clerk

24 Approved as to form
25 and legal sufficiency:

26 By: Lee Reantheil
27 County Attorney
28

Acknowledgement by the Department of the State of Florida, on this,
the 17th day of December, 1990.

EFFECTIVE DATE: Acknowledgement from the Department of State
received on the 26th day of December, 1990, at 3:09 P.M.
.M., and filed in the Office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.